

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED
U.S. DISTRICT COURT
DISTRICT OF LOUISIANA
SEP 28 2006

DOCKET NO. 1657
2006 OCT 23 PM 2:15
FILED
CLERK'S OFFICE

OFFICE OF THE CLERK
BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-64)

4:06 CV 3184
4:06 CV 3186
4:06 CV 3188

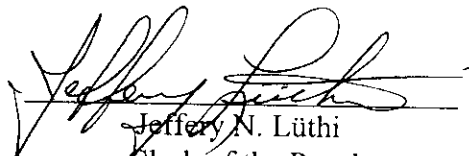
On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 4,400 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

OCT 16 2006

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SCHEDULE CTO-64 - TAG-ALONG ACTIONS
DOCKET NO. 1657
IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION

DIST. DIV. C.A. #CASE CAPTION

ALABAMA NORTHERN

| | |
|---------------|--|
| ALN 1 06-1628 | Barbara D. Davison, et al v. Merck & Co., Inc. |
| ALN 2 06-1570 | Glenn W. Baty, Jr. v. Merck & Co., Inc. |
| ALN 2 06-1625 | Jo Lynn Perkins, et al. v. Merck & Co., Inc. |
| ALN 2 06-1630 | Audrey G. Pearson, et al. v. Merck & Co., Inc. |
| ALN 3 06-1626 | James W. Russell, et al. v. Merck & Co., Inc. |
| ALN 4 06-1627 | Herber R. Norckauer v. Merck & Co., Inc. |
| ALN 4 06-1629 | Marjorie Carson, et al. v. Merck & Co., Inc. |
| ALN 5 06-1535 | Linda T. Eaves, et al. v. Merck & Co., Inc. |

ARKANSAS WESTERN

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| ARW 3 06-3050 | John J. O'Neill v. Merck & Co., Inc. |
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CALIFORNIA CENTRAL

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| CAC 2 06-3235 | Carolyn Wunder, etc. v. Merck & Co., Inc. |
| CAC 2 06-4748 | Cleola Williams, et al. v. Merck & Co., Inc. |
| CAC 2 06-4763 | Dr. Gilbert Swe, et al. v. Merck & Co., Inc., et al. |

CALIFORNIA EASTERN

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|--------------------------|---|
| CAE 1 06-1006 | Brenda De La Cruz, et al. v. Merck & Co., Inc. |
| CAE 2 06-1826 | Gladys Herring, et al. v. Merck & Co., Inc., et al. Opposed 10/16/06 |
| CAE 2 06-1845 | Ruth Beatty v. Merck & Co., Inc., et al. Opposed 10/12/06 |
| CAE 2 06-1941 | Mary Grove v. Merck & Co., Inc., et al. Opposed 10/12/06 |
| CAE 2 06-1954 | Donna Moret v. Merck & Co., Inc., et al. Opposed 10/12/06 |

CALIFORNIA NORTHERN

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|--------------------------|--|
| CAN 3 06-4921 | Jeffrey Kaufman, et al. v. Merck & Co., Inc., et al. Opposed 10/12/06 |
| CAN 3 06-5332 | Isaac Pirnazar v. Merck & Co., Inc. |

COLORADO

| | |
|--------------|--|
| CO 1 06-1529 | Peter Appenzeller v. Merck & Co., Inc. |
| CO 1 06-1676 | Safdar Lilak v. Merck & Co., Inc. |
| CO 1 06-1679 | Donald Patterson v. Merck & Co., Inc. |

CONNECTICUT

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| CT 3 06-1336 | Joni Barnett, et al. v. Merck & Co., Inc. |
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FLORIDA MIDDLE

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|---------------|--|
| FLM 3 06-742 | Kathryn Jenkins, etc. v. Merck & Co., Inc., et al. |
| FLM 5 06-291 | Steven Pazian, etc. v. Merck & Co., Inc. |
| FLM 8 06-1507 | Jerry Kaiser v. Merck & Co., Inc., et al. |
| FLM 8 06-1572 | Ena Diaz v. Merck & Co., Inc., et al. |
| FLM 8 06-1593 | Thomas Greenlee, et al. v. Merck & Co., Inc. |

FLORIDA NORTHERN

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| FLN 1 06-130 | Theodore Presley v. Merck & Co., Inc., et al. |
| FLN 1 06-163 | Betty Daniels v. Merck & Co., Inc., et al. |

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u> |
|--------------------------|--|
| FLORIDA SOUTHERN | |
| FLS 0 06-61147 | Dorothy J. Matuszak, et al. v. Merck & Co., Inc. |
| FLS 0 06-61148 | Sylvia Cardone, et al. v. Merck & Co., Inc. |
| FLS 9 06-80732 | Allan Reise, et al. v. Merck & Co., Inc. |
| GEORGIA MIDDLE | |
| GAM 4 06-73 | Helen Hightower, etc. v. Merck & Co., Inc. |
| GAM 5 06-286 | Barbara P. Stone, et al. v. Merck & Co., Inc. |
| GEORGIA NORTHERN | |
| GAN 1 06-1749 | Veronica Davis v. Merck & Co., Inc. |
| GAN 1 06-1751 | Barbara Jean Brown v. Merck & Co., Inc. |
| GAN 1 06-1752 | Audrey Culbreth v. Merck & Co., Inc. |
| GAN 1 06-1753 | Susan Patton, etc. v. Merck & Co., Inc. |
| GAN 1 06-1754 | Leta Ballard, etc. v. Merck & Co., Inc. |
| GAN 1 06-1965 | Muriel Burnat v. Merck & Co., Inc. |
| GEORGIA SOUTHERN | |
| GAS 6 06-75 | Mary Sowell, etc. v. Merck & Co., Inc. |
| IOWA SOUTHERN | |
| IAS 4 06-403 | James F. Lockard, et al. v. Merck & Co., Inc. |
| IDAHO | |
| ID 1 06-326 | Dorothy LeFavi v. Merck & Co., Inc. |
| ILLINOIS CENTRAL | |
| ILC 3 06-3188 | Jerry Highsmith v. Merck & Co., Inc. |
| ILLINOIS NORTHERN | |
| ILN 1 06-4602 | Joseph Szerbinski, et al. v. Merck & Co., Inc. |
| ILLINOIS SOUTHERN | |
| ILS 3 06-630 | Lorene Deist, et al. v. Merck & Co., Inc., et al. Opposed 10/10/06 |
| ILS 3 06-634 | Jane Mannings, et al. v. Merck & Co., Inc., et al. Opposed 10/10/06 |
| ILS 3 06-658 | Roland Beavers, et al. v. Merck & Co., Inc. |
| INDIANA SOUTHERN | |
| INS 2 06-160 | John A. Shipman, Sr., et al. v. Merck & Co., Inc. |
| INS 2 06-169 | Leslie D. Johnston, et al. v. Merck & Co., Inc. |
| INS 2 06-181 | Carolyn Willis v. Merck & Co., Inc. |
| INS 2 06-182 | Nancy A. Chambers, et al. v. Merck & Co., Inc. |
| KANSAS | |
| KS 2 06-2331 | Wanda Fendley v. Merck & Co., Inc. |
| KS 2 06-2338 | Jack Nachman, et al. v. Merck & Co., Inc. |
| LOUISIANA WESTERN | |
| LAW 5 05-1710 | Jeffrey Brinson, et al. v. Merck & Co., Inc. |
| MINNESOTA | |
| MN 0 06-3189 | John P. Erickson, etc. v. Merck & Co., Inc. |
| MN 0 06-3193 | Paul Kunin, et al. v. Merck & Co., Inc. |
| MN 0 06-3199 | Raye Simonian, et al. v. Merck & Co., Inc. |
| MN 0 06-3351 | Ambrose Reese, etc. v. Merck & Co., Inc. |
| MN 0 06-3444 | Shirley P. Worth v. Merck & Co., Inc. |
| MN 0 06-3449 | Ronald Swanson, et al. v. Merck & Co., Inc. |
| MN 0 06-3503 | Osmo Larri v. Merck & Co., Inc. |

SCHEDULE CTO-64 - TAG-ALONG ACTIONS (MDL-1657)

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DIST. DIV. C.A. #CASE CAPTION

MISSOURI EASTERN

~~MOE 4 06-1157~~ ~~Stephen D. Murch v. Merck & Co., Inc., et al.~~ Opposed 10/10/06
 MOE 4 06-1181 Jack Priesmeyer v. Merck & Co., Inc.

MISSISSIPPI SOUTHERN

MSS 1 06-760 Cynthia King v. Merck & Co., Inc.
 MSS 1 06-761 Gladys Harrien v. Merck & Co., Inc.
 MSS 1 06-762 Gary Wyman, Sr. v. Merck & Co., Inc.
 MSS 1 06-763 Robert Seal v. Merck & Co., Inc.

NORTH CAROLINA EASTERN

~~NCE 7 06-115~~ ~~Eugene Seals, et al. v. Merck & Co., Inc., et al.~~ Opposed 10/10/06
 NCE 7 06-119 Alma F. Owens v. Merck & Co., Inc.

NORTH CAROLINA MIDDLE

NCM 1 06-710 Michael R. Ingram, et al. v. Merck & Co., Inc.
 NCM 1 06-711 Jeffery L. Ireland, et al. v. Merck & Co., Inc.
 NCM 1 06-714 Irene G. Berckman, et al. v. Merck & Co., Inc.

NORTH CAROLINA WESTERN

NCW 1 06-236 Marshall D. Justice, et al. v. Merck & Co., Inc.
 NCW 1 06-257 Cynthia M. Beam, et al. v. Merck & Co., Inc.
 NCW 3 06-365 Jay H. Carpenter, et al. v. Merck & Co., Inc.
 NCW 3 06-366 William H. Cooper, et al. v. Merck & Co., Inc.

NEBRASKA

NE 4 06-3184 Kenneth J. Nowak, et al. v. Merck & Co., Inc.
 NE 4 06-3186 Steven Harrington, et al. v. Merck & Co., Inc.
 NE 4 06-3188 Aralon W. Oestmann, et al. v. Merck & Co., Inc.

NEW JERSEY

NJ 3 06-3384 Frank Britton, et al. v. Merck & Co., Inc.
 NJ 3 06-4081 Constance Ware, et al. v. Merck & Co., Inc.
 NJ 3 06-4160 John Aubuchon, et al. v. Merck & Co., Inc.

NEVADA

NV 2 06-1018 Bernell Shaffner v. Merck & Co., Inc., et al.

NEW YORK EASTERN

NYE 1 06-3790 Joseph D. Wein, etc. v. Merck & Co., Inc.

NEW YORK NORTHERN

~~NYN 1 06-932~~ ~~Dennis Richard Harrison v. Merck & Co., Inc.~~ Opposed 10/16/06

NEW YORK SOUTHERN

NYS 1 06-5665 William Kahle, et al. v. Merck & Co., Inc.
 NYS 1 06-5896 Carmen I. Reyes, etc. v. Merck & Co., Inc.

NEW YORK WESTERN

NYW 1 06-517 Ronald V. Morley, Sr. v. Merck & Co., Inc.
 NYW 6 06-6410 Gregory Bennett, etc. v. Merck & Co., Inc., et al.
 NYW 6 06-6427 Stephanie Guy, et al. v. Merck & Co., Inc., et al.
 NYW 6 06-6428 Arline M. Ellis, et al. v. Merck & Co., Inc., et al.
 NYW 6 06-6429 Karen Sarach, et al. v. Merck & Co., Inc., et al.

SCHEDULE CTO-64 - TAG-ALONG ACTIONS (MDL-1657)

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u> |
|-----------------------------|--|
| OHIO NORTHERN | |
| OHN 1 06-1982 | Diane M. Lamoreaux, et al. v. Merck & Co., Inc. |
| OHN 1 06-1984 | Howard Moss v. Merck & Co., Inc. |
| OHN 1 06-2106 | Markus Bruckner v. Merck & Co., Inc. |
| OHN 3 06-1877 | Pearl D. King, et al. v. Merck & Co., Inc. |
| OHN 3 06-1898 | James G. Siefker, etc. v. Merck & Co., Inc. |
| OHN 3 06-2062 | Howard Davenport, et al. v. Merck & Co., Inc. |
| OKLAHOMA EASTERN | |
| OKE 6 06-309 | Carol Chastain v. Merck & Co., Inc. |
| OKE 6 06-310 | Rick Swafford v. Merck & Co., Inc. |
| OKE 6 06-341 | Tommy Combs, et al. v. Merck & Co., Inc. |
| OKLAHOMA NORTHERN | |
| OKN 4 06-395 | Ruby Erhart, etc. v. Merck & Co., Inc. |
| OKN 4 06-444 | Duain W. Hogue v. Merck & Co., Inc. |
| OKN 4 06-450 | Helen L. Post, et al. v. Merck & Co., Inc. |
| OKN 4 06-452 | Ronald Kelsey v. Merck & Co., Inc. |
| OKLAHOMA WESTERN | |
| OKW 5 06-904 | Willa Jean Poe, et al. v. Merck & Co., Inc. |
| PENNSYLVANIA EASTERN | |
| PAE 2 06-3419 | George Acaley, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3439 | Renate Eaton, etc. v. Merck & Co., Inc., et al. |
| PAE 2 06-3440 | Dolores Bultman v. Merck & Co., Inc., et al. |
| PAE 2 06-3441 | Thomas H. Whitfield, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3498 | Dorothy J. Larson, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3534 | Henrietta L. Morris, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3557 | Maria Oquendo v. Merck & Co., Inc., et al. |
| PAE 2 06-3558 | Bradford Clayton Wallis, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3593 | Henry Bell, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3627 | Edward J. Silverman, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3645 | Nancy M. Miller, etc. v. Merck & Co., Inc. |
| PAE 2 06-3700 | Eric J. Cohen, et al. v. Merck & Co., Inc., et al. |
| PAE 2 06-3722 | Shirley D. McGinley, etc. v. Merck & Co., Inc. |
| PAE 2 06-3804 | Mary Ann Romerger, etc. v. Merck & Co., Inc. |
| PENNSYLVANIA WESTERN | |
| PAW 2 06-1120 | Audrey Sapida v. Merck & Co., Inc. |
| SOUTH CAROLINA | |
| SC 4 06-2332 | Carlos R. Delafuente, et al. v. Merck & Co., Inc. |
| SC 4 06-2369 | Michael E. Watson, et al. v. Merck & Co., Inc. |
| TEXAS EASTERN | |
| TXE 2 06-312 | Johnny Kincaid, et al. v. Merck & Co., Inc. |
| TXE 5 06-191 | Bertha Free v. Merck & Co., Inc. |
| TEXAS NORTHERN | |
| TXN 4 06-538 | Kathryn Jo Trotter v. Merck & Co., Inc. |
| TXN 4 06-569 | Katherine Shelly Moyers v. Merck & Co., Inc. |

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DIST. DIV. C.A. #CASE CAPTION

TEXAS SOUTHERN

TXS 4 06-2565

Winston Webber v. Merck & Co., Inc.

TEXAS WESTERN

TXW 2 06-69

Alicia E. Ramos, et al. v. Merck & Co., Inc.

UTAH

UT 1 06-92

Joyce Mower, etc. v. Merck & Co., Inc.

UT 2 06-697

Beryl Ball, etc. v. Merck & Co., Inc.

VIRGINIA WESTERN

VAW 2 06-48

Nancy Osborne, et al. v. Merck & Co., Inc.

WASHINGTON WESTERN

WAW 2 06-1113

Gene Mesker, et al. v. Merck & Co., Inc.

WEST VIRGINIA SOUTHERN

~~WVS 2 06-619~~~~Ronda Lee Smith, etc. v. Health Management Associates of West Virginia, Inc., et al.~~

Vacated 10/13/06

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DOCKET NO. 1657
IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION

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Trenton, NJ 08608

Hon. William H. Yohn, Jr.
Senior U.S. District Judge
14613 James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1753

Hon. Richard L. Young
U.S. District Judge
310 Federal Building
101 N.W. Martin Luther King Blvd.
Evansville, IN 47708

INVOLVED CLERKS LIST (CTO-64)
DOCKET NO. 1657
IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION

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| Cameron S. Burke, Clerk Fed. Bldg. & U.S. Courthouse MSC 039 550 West Fort Street, Boise, ID 83724 | Geri M. Smith, Clerk 114 U.S. Courthouse 1716 Spielbusch Avenue Toledo, OH 43624-1347 | John F. Corcoran, Clerk P.O. Box 490 Big Stone Gap, VA 24219 |
| Christopher R. Johnson, Clerk U.S. District Court P.O. Box 6420 Fayetteville, AR 72702-6420 | Gregory C. Langham, Clerk A105 Alfred A. Arraj U.S. Courthouse 901 19th St. Denver, CO 80294-3589 | John M. Waters, Clerk 151 Paul Findley Federal Bldg. 600 East Monroe Street Springfield, IL 62701 |
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| Denise Lucks, Clerk U.S. District Court P.O. Box 83468 Lincoln, NE 68508-3468 | J.T. Noblin, Clerk U.S. District Court 672 Judge Dan M. Russell, Jr. U.S. Courthouse 2010 15th Street, Suite 403 Gulfport, MS 39501 | Larry W. Propes, Clerk P.O. Box 2317 Florence, SC 29503-2317 |
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| | | Marge Krahn, Clerk P.O. Box 9344 Des Moines, IA 50306-9344 |

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150 Frank E. Moss U.S. Courthouse
350 South Main Street
Salt Lake City, UT 84101-2180

Michael E. Kunz, Clerk
2609 James A. Byrne
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

Michael N. Milby, Clerk
United States District Court
P.O. Box 61010
Houston, TX 77208-1010

Michael W. Dobbins, Clerk
Everett McKinley Dirksen
U.S. Courthouse
219 South Dearborn Street
Chicago, IL 60604

Norbert G. Jaworski, Clerk
U.S. District Court
P.O. Box 249
E. St. Louis, IL 62202-0249

Perry D. Mathis, Clerk
140 Hugo L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, AL 35203

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1729 5th Avenue North
Birmingham, AL 35203

Perry D. Mathis, Clerk
U.S. Post Office & Courthouse
101 Holmes Avenue, N.E.
Huntsville, AL 35801

Philip B. Lombardi, Clerk
411 Page Belcher Federal Bldg.
& U.S. Courthouse
333 W. 4th Street
Tulsa, OK 74103-3819

Ralph L. DeLoach, Clerk
259 Robert J. Dole U.S. Courthouse
500 State Avenue
Kansas City, KS 66101-2430

Richard Sletten, Clerk
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300 South Fourth Street
Minneapolis, MN 55415

Richard W. Wicking, Clerk
Phillip Burton U.S. Courthouse
Box 36060
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Robert C. Heinemann, Clerk
130 United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201-1818

Robert D. Dennis, Clerk
1210 U.S. Courthouse
200 N.W. 4th Street
Oklahoma City, OK 73102-3092

Robert H. Shemwell, Clerk
1167 U.S. Courthouse
300 Fannin Street
Shreveport, LA 71101-3083

Robert V. Barth, Jr., Clerk
U.S. District Court
P.O. Box 1805
Pittsburgh, PA 15230-1805

Rodney C. Early, Clerk
304 U.S. Courthouse
68 Court Street
Buffalo, NY 14202-1368

Rodney C. Early, Clerk
2120 Kenneth B. Keating Fed. Bldg.
100 State Street
Rochester, NY 14614-1368

Scott Poff, Clerk
P.O. Box 8286
Savannah, GA 31412-8286

Sherri R. Carter, Clerk
G-8 U.S. Courthouse
312 North Spring Street
Los Angeles, CA 90012

Sheryl L. Loesch, Clerk
U.S. District Court
300 North Hogan Street
Suite 9-150
Jacksonville, FL 32202-4271

Sheryl L. Loesch, Clerk
U.S. District Court
207 NW Second Street
Ocala, FL 34475

Sheryl L. Loesch, Clerk
218 Sam M. Gibbons U.S. Courthouse
801 North Florida Avenue
Tampa, FL 33602-3800

~~Teresa Deppner, Clerk
Post Office Box 2546
Charleston, WV 25329-2546~~

William B. Guthrie, Clerk
P.O. Box 607
Muskogee, OK 74402-0607

William G. Putnicki, Clerk
L-100 U.S. Courthouse
111 East Broadway
Del Rio, TX 78840-5573

William M. McCool, Clerk
243 Federal Building
401 Southeast First Avenue
Gainesville, FL 32601-6805

William T. Walsh, Clerk
2020 Clarkson S. Fisher Fed.
Bldg. & U.S. Courthouse
402 East State Street
Trenton, NJ 08608